

H1 LAW GROUP
701 N. Green Valley Parkway, Suite 200
Henderson, Nevada 89074
Tel: 702-608-3720



H1 LAW GROUP

Jill Garcia, NV Bar No. 7805
jill@h1lawgroup.com
701 N. Green Valley Parkway, Suite 200
Henderson NV 89074
Phone 702-608-3720
Fax 702-703-1063

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

JENNIFER CAMPAGNA, an individual,

Plaintiff,

vs.

ARROWEYE SOLUTIONS, INC., a Delaware
corporation; GINA CIAMPAGLIO, an
individual; MICA MOSELEY, an individual;
DOES I through X, inclusive; and ROE
BUSINESS ENTITIES, I through X, inclusive,

Defendants.

Case No.

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

Plaintiff Jennifer Campagna (“Plaintiff”), by and through her undersigned counsel, as and for her Complaint against Defendants Arroweye Solutions, Inc. (“Arroweye”), Gina Ciampaglio, and Mica Moseley (collectively “Defendants”) states and alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Jennifer Campagna is an individual residing in Henderson, Nevada, and a qualified/eligible employee of Defendant Arroweye within the meaning of the Family Medical Leave Act (29 U.S.C. § 2601 *et seq.*) (“FMLA”).

2. Defendant Arroweye Solutions, Inc. (“Arroweye”) is and was at all relevant times hereto, a limited liability company organized under the laws of the State of Delaware, with a principal place of business located in Henderson, Nevada.

3. Defendant Arroweye employs 50 or more employees and is an “employer” within the meaning of FMLA.



1 4. Defendant Gina Ciampaglio, an individual residing in Las Vegas, Nevada, is the
2 Corporate Director of Human Resources at Arroweye. At all times mentioned herein, Ms.
3 Ciampaglio was responsible for the acts described while acting in her capacity as Corporate
4 Director of Human Resources and executive at Arroweye.

5 5. Defendant Mica Moseley, an individual residing in Salt Lake City, Utah, is the
6 Senior Vice President of Sales and Business Development at Arroweye. At all times mentioned
7 herein, Mr. Moseley was responsible for the acts described while acting in his capacity as Senior
8 Vice President of Sales and Business Development and executive at Arroweye.

9 6. All of the acts and/or failures to act alleged herein were duly performed by and/or
10 are attributable to Defendants, individually or acting by and through their agents and employees.
11 Said acts and/or failures to act were within the scope of any agency or employment or were
12 ratified by Defendants.

13 7. The names and capacities, whether individual, corporate, associate or otherwise,
14 of Defendants and/or their alter egos sued herein as DOES I through X, and ROE Business
15 Entities I through X, inclusive, are presently unknown, and Plaintiff therefore sues these
16 defendants by such fictitious names. Plaintiff will amend this Complaint to allege the true names
17 of any and all Doe and Roe defendants as alleged herein and/or after their true names and
18 capacities are ascertained.

19 8. This Court has general personal jurisdiction over Mr. Moseley because he has
20 substantial and/or continuous and systematic contacts with this forum in that he supervised and
21 directed the day-to-day operations of Mrs. Campagna's job at Arroweye in Henderson, Nevada.

22 9. This Court has specific personal jurisdiction over Mr. Moseley because he
23 purposefully availed himself of this forum and/or enjoyed the protection of the laws of this
24 forum, as well as purposefully established contacts with this forum and affirmatively directed his
25 conduct toward this forum, when he supervised and directed the day-to-day operations of Mrs.
26 Campagna's job at Arroweye in Henderson, Nevada.

1 10. This Court also has specific personal jurisdiction over Mr. Moseley because the
2 cause of action arises from his purposeful contact with this forum, in other words his actions
3 and/or failures to act related to Mrs. Campagna's job at Arroweye in Henderson, Nevada.

4 11. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 because Mrs.
5 Campagna is making a claim under the FMLA.

6 12. This Court has supplemental jurisdiction over Mrs. Campagna's state law claims
7 under 28 U.S.C. § 1367 because those claims form the same case and controversy as her FMLA
8 claim.

9 13. This Court has jurisdiction over this matter.

10 14. Venue is proper in this district because one or more of the Defendants reside
11 within this district and because the actions of Defendants at issue took place within the district.

12 **GENERAL ALLEGATIONS**

13 15. Mrs. Campagna incorporates by reference all preceding allegations set forth in the
14 Complaint as if fully stated herein.

15 16. Mrs. Campagna has qualified for leave under the FMLA for at least two years
16 preceding her termination from employment. Arroweye was aware of the extent and nature of
17 Mrs. Campagna's reasons for leave under the FMLA.

18 17. As described below, Arroweye failed to comply with its obligations under FMLA
19 by refusing to return Mrs. Campagna to her position following her use of FMLA leave, refusing
20 to let her work from home during the global COVID-19 pandemic, and then forcing her to
21 resign.

22 ***Mrs. Campagna is an Outstanding***
23 ***Employee of Arroweye***

24 18. On October 31, 2017, Mrs. Campagna was hired at Arroweye as a Client Services
25 Specialist.

26 19. At that time, Mr. Moseley was the Vice President over Mrs. Campagna's position,
27 setting the ultimate direction of her duties and operations.
28





20. While employed as a Client Services Specialist, Arroweye and Mr. Moseley recognized Mrs. Campagna's outstanding job performance, and Mrs. Campagna received multiple pay raises in this position.

21. Further recognizing her talents, in 2019, Arroweye and Mr. Moseley promoted Mrs. Campagna to a dual role, Client Services Specialist and Marketing Coordinator.

22. After this promotion, Mr. Moseley became Mrs. Campagna's direct supervisor, directing her day-to-day duties and operations.

23. Mrs. Campagna's outstanding job performance continued and, in January 2020, Arroweye and Mr. Moseley again promoted her to a full-time Marketing Coordinator, where she earned an annual salary of \$65,000 per year.

24. In sum, for the last three years, Mrs. Campagna excelled in her positions at Arroweye and had a stellar employment record at the company.

Mrs. Campagna Takes Short Term Disability and FMLA Leave Due to Her Pregnancy and the Premature Birth of Her Twins

25. On or around May 28, 2020, Mrs. Campagna applied for short term disability, as she was pregnant with twins and placed on partial bed rest by her doctor.

26. Once she became medically unable to work due to her high-risk pregnancy, Mrs. Campagna requested leave under the FMLA.

27. Upon information and belief, Ms. Ciampaglio reviewed Mrs. Campagna's FMLA paperwork to determine its adequacy.

28. Upon information and belief, Ms. Ciampaglio approved Mrs. Campagna's FMLA leave.

29. Only days after Mrs. Campagna delivered her premature babies and while they were still staying in a medically mandated neonatal intensive care unit ("NICU"), Arroweye, through Mr. Moseley, contacted Mrs. Campagna to inform her they were temporarily outsourcing her role.



1 30. Arroweye, through Mr. Moseley, then required Mrs. Campagna (who was on
2 FMLA leave) to spend several hours working to provide them with passwords related to her
3 position.

4 31. Mrs. Campagna's newborn premature babies were in the NICU for about four
5 weeks. After only a week of Mrs. Campagna's babies being brought home, Ms. Ciampaglio,
6 informed Mrs. Campagna, with only days left on her FMLA leave, that Arroweye was
7 eliminating her position.

8 32. In order for Mrs. Campagna to receive extended, non-paid FMLA leave, Ms.
9 Ciampaglio informed Mrs. Campagna that Arroweye required her to take a demotion.

10 33. Ms. Ciampaglio stated, in conversations and a letter dated August 11, 2020, that
11 Arroweye would offer Mrs. Campagna the demoted position of Client Service Specialist (despite
12 Mrs. Campagna's stellar job performance and hard work over the last three years to get promoted
13 to a full-time Marketing Coordinator).

14 34. Arroweye also docked Mrs. Campagna's pay to \$27.00 per hour.

15 35. This was almost \$10,000 less per year than her salary before she took FMLA
16 leave.

17 36. Mrs. Campagna had premature newborn babies to support and desperately needed
18 health insurance.

19 37. Defendants knew of this and took advantage of Mrs. Campagna's medical and
20 family situation.

21 38. Mrs. Campagna had no choice but to accept the demotion offered by Arroweye
22 through Ms. Ciampaglio, which she did on August 17, 2020.

23 39. After Mrs. Campagna returned to work from her FMLA leave, Defendants
24 refused to provide her with access to a private space to pump breast milk.

25 40. Moreover, due to the COVID-19 global pandemic, and the high risk of death or
26 grave illness it posed to Mrs. Campagna's premature newborn babies, Mrs. Campagna needed to
27 work from home.

28



41. There was nothing about Mrs. Campagna's position (either her original position or demoted one) that precluded her from working from home.

42. In fact, prior to Mrs. Campagna's FMLA leave, Defendants allowed her to work from home. Mrs. Campagna worked from home from approximately March 2020 to on or around May 28, 2020.

43. However, Defendants refused to let Mrs. Campagna work from home after returning from her FMLA leave, even though others in the same or similar positions, including interdepartmental transfers and closely aligned other positions, were allowed to do so.

44. Due to this unworkable situation, Defendants forced a constructive discharge onto Mrs. Campagna, and she was forced to resign on September 28, 2020.

45. While Mrs. Campagna has attempted to mitigate her damages, being constructively discharged during this global pandemic has required her to take a position at a significantly lower rate of pay.

CAUSES OF ACTION

COUNT I –Violations of the FMLA

(All Defendants)

46. Mrs. Campagna incorporates by reference all preceding allegations set forth in the Complaint as if fully stated herein.

47. Under the FMLA, Mrs. Campagna was "entitled to a total of 12 work weeks of leave during any 12-month period" for her pregnancy and the birth of her premature babies. 29 U.S.C. § 2612(a)(1).

48. Further, under 29 U.S.C. § 2614(a)(1):

[A]ny eligible employee who takes leave under section 2612 of this title for the intended purpose of the leave shall be entitled, on return from such leave—

(A) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

1 49. Two claims for recovery are available under the FMLA: an interference/denial of
2 rights claim and a discrimination or retaliation claim.

3 50. For the first claim, the FMLA provides that an employer may not “interfere with,
4 restrain, or deny the exercise of or the attempt to exercise, any right provided under this
5 subchapter.” 29 U.S.C. § 2615(a)(1).

6 51. For the second claim, an employer is further prohibited from discriminating or
7 retaliating against an employee for having exercised or attempted to exercise any FMLA right.
8 *Id.* § 2515(a)(2).

9 52. Defendants violated the FMLA when they set out to interfere with Mrs.
10 Campagna’s attempt to exercise her right to leave when they required her to work during her
11 leave and to accept a demotion in order to receive extended, non-paid FMLA leave.

12 53. Defendants unlawfully discriminated against Mrs. Campagna in violation of the
13 FMLA when they did not restore Mrs. Campagna to her position as Marketing Coordinator
14 making \$65,000 per year, but instead demoted her to a Client Service Specialist with
15 significantly less pay just days before the end of her FMLA leave.

16 54. Defendants further unlawfully discriminated against Mrs. Campagna in violation
17 of the FMLA when they did not allow Mrs. Campagna to work from home even though others in
18 the same or a similar position were allowed to do so.

19 55. In fact, Defendants’ prohibition against Mrs. Campagna working from home was
20 merely a pretext to target Mrs. Campagna and punish her for taking short term disability leave
21 and leave under the FMLA, in the hopes they could force her to resign.

22 56. Mrs. Campagna’s exercise of her right to take leave from work as authorized by
23 the FMLA was either the sole or a motivating factor for Defendants’ decision to force a
24 constructive discharge onto Mrs. Campagna.

25 57. Defendants further retaliated against Mrs. Campagna for using her leave by
26 constructively forcing her to resign.

27 58. Ms. Ciampaglio and Mr. Moseley are individually liable for violating Mrs.
28 Campagna’s rights under the FMLA.





1 59. Ms. Ciampaglio is individually liable for the FMLA violations described above
2 because, upon information and belief, she is the Corporate Director of Human Resources at
3 Arroweye, she reviewed Mrs. Campagna's FMLA paperwork and determined its adequacy, she
4 controlled Mrs. Campagna's ability to return to work and under what conditions, and she sent
5 Mrs. Campagna nearly every communication regarding her leave and employment. Arroweye
6 failed to adequately supervise, control, discipline or otherwise penalize the conduct, acts, and
7 failures of its employees and thereby ratified these wrongful actions.

8 60. Mr. Moseley is also individually liable for the FMLA violations described above
9 because, upon information and belief, he is the Senior Vice President of Sales and Business
10 Development at Arroweye, he was Mrs. Campagna's direct supervisor who managed her day-to-
11 day duties and operations, he (in concert with Ms. Ciampaglio) refused to let Mrs. Campagna
12 return to work in a same or similar position, and he (in concert with Ms. Ciampaglio) refused to
13 let her work from home even though other employees in the same or similar position were
14 allowed to do so. Arroweye failed to adequately supervise, control, discipline or otherwise
15 penalize the conduct, acts, and failures of its employees and thereby ratified these wrongful
16 actions.

17 61. Mrs. Campagna has sustained extensive economic loss as a result of her wrongful
18 constructive termination.

19 62. Given Defendants' retaliation, discrimination, and wrongful constructive
20 termination, Mrs. Campagna has suffered damages including lost wages (including back pay and
21 front pay), lost employment, lost benefits, lost earning capacity, lost opportunities, liquidated
22 damages, emotional pain and suffering, inconvenience, mental anguish, and lost enjoyment of
23 life in an amount to be proven at trial.

24 63. Defendants intentionally, voluntarily, deliberately, and willfully retaliated,
25 discriminated, and constructively terminated Mrs. Campagna, and such actions were intentional,
26 willful, malicious, and/or done with reckless disregard for Mrs. Campagna's protected rights.

27 64. Due to Defendants' violations of the FMLA, Mrs. Campagna was forced to bring
28 this action and is entitled to recover her attorney's fees and costs.

1 65. Further, Defendants violated the FMLA with an intent to injure Mrs. Campagna
2 or with a conscious disregard of her rights.

3 66. Defendants' violations of the FMLA constitute despicable conduct that subjected
4 Mrs. Campagna to cruel and unjust hardship with a conscious disregard of her rights.

5 67. Mrs. Campagna requests relief as described in the Prayer for Relief below.

6 **COUNT II– Violations of Nevada Pregnant Worker's Fairness Act**

7 **(Arroweye)**

8 68. Mrs. Campagna incorporates by reference all preceding allegations set forth in the
9 Complaint as if fully stated herein.

10 69. Under the Nevada Pregnant Worker's Fairness Act,

11 If a female employee requests an accommodation for a condition of the employee
12 relating to pregnancy, childbirth or a related medical condition, the employer and
13 employee **must** engage in a timely, good faith and interactive process **to**
14 **determine an effective, reasonable accommodation for the employee.** An
15 accommodation may consist of a change in the work environment or in the way
things are customarily carried out that allows the employee to have equal
employment opportunities, including the ability to perform the essential function
of the position and to have benefits and privileges of employment **that are equal**
to those available to other employees.

16 NRS 613.4371(1) (emphasis added).

17 70. Also, under the Nevada Pregnant Worker's Fairness Act,

18 [I]t is an unlawful employment practice for an employer to:

19 (a) **Refuse to provide a reasonable accommodation to a female**
20 **employee** or applicant for employment upon request of the employee or
applicant, as applicable, for a condition of the employee or applicant
relating to pregnancy, childbirth or a related medical condition...;

21 (b) **Take an adverse employment action against a female employee**
22 **because the employee requests or uses a reasonable accommodation**
23 for a condition of the employee relating to pregnancy, childbirth or a
related medical condition which may include, without limitation, refusing
to promote the employee, requiring the employee to transfer to another
position, **refusing to reinstate the employee to the same or an**
24 **equivalent position upon return to work** or taking any other action
25 which affects the terms or conditions of employment in a manner which is
not desired by the employee;

26 (c) **Deny an employment opportunity to an otherwise qualified female**
27 **employee** or applicant for employment based on the need of the employee
or applicant, as applicable, for a reasonable accommodation for a
28



1 condition of the employee or applicant relating to pregnancy, childbirth or
2 a related medical condition....

3 NRS 613.438 (emphasis added).

4 71. Arroweye failed to provide reasonable accommodations to Mrs. Campagna, took
5 an adverse employment action against her, and denied her employment opportunities in violation
6 of the Nevada Pregnant Worker's Fairness Act when, only days before the end of her FMLA
7 leave, Arroweye required Mrs. Campagna to be demoted to a Client Service Specialist with
8 significantly less pay.

9 72. Arroweye failed to provide reasonable accommodations to Mrs. Campagna, took
10 an adverse employment action against her, and denied her employment opportunities in violation
11 of the Nevada Pregnant Worker's Fairness Act when it refused to provide Mrs. Campagna a
12 private space to pump breast milk.

13 73. Arroweye failed to provide reasonable accommodations to Mrs. Campagna, took
14 an adverse employment action against her, and denied her employment opportunities in violation
15 of the Nevada Pregnant Worker's Fairness Act, when it refused to allow Mrs. Campagna to work
16 from home during the global COVID-19 pandemic, even though others in the same or similar
17 position were allowed to work from home.

18 74. In fact, Arroweye's prohibition against Mrs. Campagna working from home was
19 merely a pretext to target Mrs. Campagna and punish her for taking short term disability leave
20 and leave under the FMLA, in the hopes it could force her to resign.

21 75. Mrs. Campagna has sustained extensive economic loss as a result of her wrongful
22 constructive termination.

23 76. Given Arroweye's retaliation and wrongful constructive termination, Mrs.
24 Campagna has suffered damages including lost wages (including back pay and front pay), lost
25 employment, lost benefits, lost earning capacity, lost opportunities, liquidated damages,
26 emotional pain and suffering, inconvenience, mental anguish, and lost enjoyment of life in an
27 amount to be proven at trial.
28



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1 77. Arroweye intentionally, voluntarily, deliberately, and willfully discriminated,
2 retaliated, and constructively discharged Mrs. Campagna, and such actions were intentional,
3 willful, malicious, and/or done with reckless disregard for Mrs. Campagna's protected rights.

4 78. Due to Arroweye's violations of the Nevada Pregnant Worker's Fairness Act,
5 Mrs. Campagna was forced to bring this action and is entitled to recover her attorney's fees and
6 costs.

7 79. Further, Arroweye violated the Nevada Pregnant Worker's Fairness Act with an
8 intent to injure Mrs. Campagna or with a conscious disregard of her rights.

9 80. Arroweye's violations of the Nevada Pregnant Worker's Fairness Act also
10 constitute despicable conduct that subjected Mrs. Campagna to cruel and unjust hardship with a
11 conscious disregard of her rights.

12 81. Mrs. Campagna requests relief as described in the Prayer for Relief below.

13 **COUNT III—Intentional Infliction of Emotional Distress**

14 **(All Defendants)**

15 82. Mrs. Campagna incorporates by reference all preceding allegations set forth in the
16 Complaint as if fully stated herein.

17 83. Defendants' conduct was extreme and outrageous when they eliminated Mrs.
18 Campagna's position while on FMLA leave.

19 84. Defendants' conduct was extreme and outrageous when they forced her to take a
20 demoted position while still on FMLA leave and in order to extend her FMLA leave.

21 85. Defendants' conduct was extreme and outrageous when they eliminated her
22 position and forced her to take a demoted position while on FMLA leave despite her having a
23 stellar employment record at Arroweye and while she was experiencing the significant medical
24 conditions of a high-risk pregnancy and the premature birth of her twin babies, who were
25 medically required to stay in a NICU.

26 86. Defendants' conduct was extreme and outrageous when they threatened Mrs.
27 Campagna's health insurance and job, knowing she had premature newborn babies to support,
28 and forced her to take a demoted position at Arroweye.

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1 87. Defendants' conduct was extreme and outrageous when they refused to let Mrs.
2 Campagna work from home during the global COVID-19 pandemic, even though (1) others in
3 the same or similar positions were working from home, (2) nothing in Mrs. Campagna's original
4 or demoted position precluded her from working at home, (3) Mrs. Campagna had, in fact,
5 worked from home prior to taking FMLA leave, and (4) Defendants knew she had premature
6 newborn babies at risk from the global pandemic.

7 88. Defendants intended to cause emotional distress to Mrs. Campagna or acted with
8 reckless disregard of causing her emotional distress.

9 89. Mrs. Campagna suffered severe or extreme emotional distress as a result of
10 Defendants' conduct including, but not limited to, severe or extreme emotional pain and
11 suffering, inconvenience, mental anguish, and lost enjoyment of life.

12 90. Defendants' actions and/or omissions were taken with an intent to injure Mrs.
13 Campagna or with a conscious disregard of her rights or safety.

14 91. Defendants' acts also constitute despicable conduct that subjected Mrs. Campagna
15 to cruel and unjust hardship with a conscious disregard of her rights.

16 92. Mrs. Campagna requests relief as described in the Prayer for Relief below.

17 **JURY DEMAND**

18 Plaintiff hereby demands a trial by jury for all issues so triable.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff prays for judgment against Defendants, as follows:

- 21 1. For damages, the full amount to be determined at trial;
22 2. For punitive damages in an amount to be determined at trial;
23 3. For attorneys' fees and costs as may be recoverable in connection with this suit;

24 and,

25 ///

26 ///

27 ///

28 ///

4. For such other and further relief as this court deems just and equitable.

Dated this 8th day of April 2021.

H1 LAW GROUP



Jill Garcia, NV Bar No. 7805

jill@h1lawgroup.com

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Henderson NV 89074

Attorneys for Plaintiff

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